

**Exhibit 14 to Plaintiff's  
Supplemental Opposition to  
Defendant Benton Express, Inc.'s  
Motion for Summary Judgment**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

 COPY

HAZEL M. ROBY, as Administratrix  
of the Estate of RONALD TYRONE ROBY,  
deceased,

Plaintiff,

CIVIL ACTION FILE

vs.

NO. 2:05CV194-T

BENTON EXPRESS, INC., et al.,  
Defendants.

VIDEOTAPED DEPOSITION OF  
BARRY LYNN WEEMS

September 26, 2005

11:42 a.m.

1180 West Peachtree Street  
Suite 900  
Atlanta, Georgia

Lisa Fischer, CCR-B-1277, RPR, CRR

1 particular, your job at Benton, there's a lot  
2 depending on the various trucker's personal  
3 decisions on how they think they can best  
4 accomplish their job?

5 A. I don't know.

6 MR. BROCKWELL: Object to the form.

7 If you know what the standard  
8 for the whole industry is, then you  
9 can answer.

10 Q. (By Mr. Boone) I was more  
11 specifically talking about Benton as far as  
12 when to call in. I think you've answered this,  
13 but when to call in, there's nothing written,  
14 is there?

15 A. I don't know.

16 Q. Well, nothing you use is -- have you  
17 read anything that's in writing, that's why you  
18 do what you do?

19 A. No.

20 Q. And what you do is just based on what  
21 you think from your judgment is the best thing  
22 to do under the circumstances?

23 A. Yes.

24 Q. And what I'm asking -- what I'm trying  
25 to figure out is if somebody told you, we do

1           it, Mr. Weems -- I do it, Mr. Weems, this way  
2           because I saw it in this handbook, the Benton  
3           handbook. They told you -- they said you're  
4           supposed to call every hour. And you've never  
5           done it that way, but somebody said they do it  
6           some other way because of something they saw in  
7           writing.

8           A. No.

9           Q. And also what I'm trying to get at:  
10          Is there anything you do, any of your practices  
11          and procedures about communicating with the  
12          dispatcher or terminal manager, based on what  
13          you've seen in writing?

14          A. No.

15          Q. Based on what you do, has it been  
16          because some dispatcher said do something at a  
17          certain interval, for example, communicate with  
18          me every hour? Has that been -- anybody ever  
19          told you what to do as far as the amount of  
20          communication with the dispatcher or terminal?

21          A. Yes.

22          Q. What have you been told?

23          A. Just what I've already told you. If  
24          we break down, we call Jacksonville. If we're  
25          delayed and we're going to be late with

1 refreshes your recollection, if you remember  
2 anything about receiving a manual in that  
3 language.

4 A. Yes.

5 Q. You have seen that?

6 A. Yes.

7 Q. Now, flipping to the page that has  
8 Benton Express Bates No. 086 of Plaintiff's  
9 Exhibit 2, it says, "Drivers are expected to  
10 maintain regular communications with the  
11 company while in transit."

12 Have you ever read that information in  
13 this policy?

14 A. No.

15 Q. Do you know what is meant by "Drivers  
16 are expected to maintain regular  
17 communications," with an S, "with the company  
18 while in transit"?

19 A. No.

20 MR. BROCKWELL: Object to the form.

21 Q. (By Mr. Boone) Has anybody ever told  
22 you that any incident of a driver failing to  
23 check in when required shall be assumed to be  
24 suspicious and highly irregular?

25 A. No.

1 Q. Nobody at Benton ever told you that?

2 A. No.

3 Q. That you ought to be in regular  
4 communication in transit?

5 A. No.

6 Q. And that if you wasn't in regular  
7 communication in transit, that that would be  
8 considered suspicious and highly irregular?

9 A. No.

10 MR. BROCKWELL: He's already told us  
11 about he's been told --

12 MR. BOONE: I'm not asking about  
13 back then. Please let him answer  
14 the question. I'll let you follow  
15 up, and you can clear up anything.

16 MR. BROCKWELL: I'm just stating  
17 this, that he's already testified  
18 about --

19 MR. BOONE: You can object to  
20 the form. Did my question deserve  
21 an objection for form, or are you  
22 just trying to testify?

23 MR. BROCKWELL: No, I'm not  
24 trying to testify. I'm just saying  
25 that he has already testified about